



## HOW CONSERVATISM GUIDED AMERICA'S FOUNDING

By Forrest McDonald

**Editor's Preview:** It was not state weakness, but incipiently totalitarian behavior by unchecked state governments in the years after 1776, that set the stage for the Philadelphia Convention of 1787. National authority must be strengthened; but how?

Liberty is secure in the United States today only because Washington, Hamilton, and their conservative allies bested radical ideologues like Jefferson and Madison in the ensuing struggle to shape the U.S. Constitution.

Thus John Locke, philosophical father of the latter group, may be a less benign influence on history than is commonly supposed: millennial excesses from the French Revolution to abolitionism to the Great Society owe much to his rationalist theories.

Forrest McDonald, narrator of this drama, is a historian who gives his University of Alabama students (and his Hillsdale readers) tools of rare power for understanding America. His succinct definitions of conservative principles and their antithesis, the illusions of modernity that ever threaten freedom, are close to classic. And as to the dinner-table remark that fathered today's Democratic Party... well, read and see.

**Most historians agree,** I think, that the United States was born of a conservative defense of American liberty. During the imperial crisis of 1763 to 1776, leaders of the American resistance to British measures repeatedly justified their stand by accusing the mother country of introducing radical constitutional innovations and by insisting that the resisting colonists had all the weight of history, custom, and the "ancient constitution" on their side. When the British government refused to return to the tried-and-true system that had prevailed before 1763—the revolutionary leaders maintained—Americans had no choice but to declare and fight for their independence.



Similarly, it would appear obvious that, upon declaring their independence, the Americans *ipso facto* committed themselves to a political regime whose central tenet was the sacredness of liberty. The Tree of Liberty, the Liberty Boys, the Sons of Liberty, "life, liberty and the pursuit of happiness"—that was what it was all about.

But the matter was actually not so simple as that. From the outset—even among advocates of independence and constitutional union—there was a struggle between conservative champions of freedom and advocates of a modernity whose program was entirely antithetical to establishing a regime of liberty. The outcome of that struggle was an institutional commitment to freedom, but the struggle itself was imprinted on the American political subconsciousness, from which it has resurfaced periodically to our own times.

Let me begin by making clear how I use the operative terms "conservatism" and "modernity." Conservatism first.

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im•pri•mis (im-pry-mis) adv. In the first place, from Latin *in primis*, among the first things...

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## What Conservatives Believe

Conservatism is not an ideology or a program—its programmatic content varies with place and time—but a set of values and an attitude toward changes in the established social order. Its opposite is not any particular dogmatic secular religion—such as communism or socialism—but dogmatic secular religion itself.

Peter Viereck once defined conservatism as “the political secularization of the doctrine of original sin.” Eric Voegelin defined its opposite as the political secularization of the heresy of gnosticism.

Edmund Burke distinguished between “abstraction,” or *a priori* reasoning divorced from or contrary to history and experience, and “principles,” or sound general ideas derived from observation of human nature throughout time and space. Thus, despite the diversity inherent in conservatism, some principles may be delineated as having been held in common by conservatives from the eighteenth century through the twentieth.

A fundamental principle concerns **morality**. Conservatives believe that there are basic, universal, and eternal moral truths. They are not unanimous as to the source of these moral truths: most believe that they are ordained by God, but non-theists among them attribute the origin to the natural order. All agree, however, that good and evil are equally real, that every adult human except the mentally enfeebled is endowed with a moral sense that enables him to distinguish right from wrong, and that man’s universal religious instinct is the truest foundation of the social order.

Conservatives are also concerned with morality in another sense of the term: morality as mores or **social custom**. Many moral values are peculiar to individual societies, and even the transcending moral values may be delimited or refined by social norms. “Thou shalt not kill,” for instance, is a universal mandate, but no society interprets it to forbid absolutely the destruction of

any living thing, animal or vegetable. Moreover, virtually every society makes exceptions even within the human species; most conservatives would hold that the commandment does not apply to self-defense, to defense of family and the innocent, and to legally sanctioned defense of one’s country. Similarly, though incest is universally prohibited, the degree of kinship necessary to invoke the injunction varies from society to society, as does the way kinship is reckoned. Thus there are both absolute and relative moral values. The two are inevitably and sometimes confusingly related, meaning that bona fide moral dilemmas do arise.

Conservative attitudes toward morality give rise to a profound concern for the necessity of **freedom**. As a creature with a moral sense and as one endowed with free will, man can choose between moral and immoral behavior—but he is responsible for the consequences of his actions. Government and society, to be moral, must allow individuals the freedom necessary for them to be responsible. How much liberty is desirable beyond this minimum varies with the force and nature of social custom in each political regime. In general, liberty flows not from the extent of popular participation in law-making but from the extent that a people is habitually law-abiding: law is the fountain of liberty.

The conservative believes in **justice tempered by equity**, and he does not confuse the two. At its core, justice has to do with predictability and with the sense of security it provides. There are rules of acceptable behavior, known or knowable to all, and the rules carry with them rewards and punishments, also known or knowable. Few conservatives are so confident of their own rectitude that they would prefer strict and unvarying justice (“I cry for my country,” Jefferson is reported to have said, “when I contemplate the possibility that there may be a just God”), and accordingly they believe that justice should be tempered with mercy, compassion, equity. But they also believe, with Blackstone, that “the liberty of considering all cases in an equitable light must not be indulged too far, lest thereby we destroy all law . . . . And law without equity, though hard and disagreeable, is much more desirable for the public good, than equity without law: which would make every judge a legislator, and introduce most infinite confusion.”

Paralleling the conservative’s attitude toward law and justice is his view of society. Conservatives believe that **social continuity** is crucial and that, while a just society must allow for the dignity of its individual members, the needs of society itself are primary. They base this position upon recognition of the human condition: the long period of dependency during infancy and childhood dictates that mankind cannot subsist without society. But there is an ever-present tension between the social instincts and the instincts for self-gratification. It is the function of social institutions to temper individual instincts in the interests of social instincts and to convince the citizen of the primacy of the needs of the group. That social institutions normally, if imperfectly, do perform this function is attested by history: when circumstances make it necessary people overcome even

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A native Texan, Dr. McDonald completed his Ph.D. at the University of Texas in 1955. His books, scholarly articles, and reviews, more than 100 in all, have established him as one of the foremost interpreters of America’s founding, American economic history, and the history of the presidency. His books on Washington, Jefferson, and Hamilton each were nominated for the Pulitzer Prize.

Forrest McDonald worked closely with Professor John Willson, chairman of Hillsdale’s division of history and political science, in planning the Center for Constructive Alternatives seminar where this paper was delivered as the keynote lecture on January 30, 1983. He and his wife, Ellen, were on campus throughout the seminar week for continuing contact with students and dialogue with the other scholars visiting Hillsdale to lecture on the overall topic, “America Confronts Modernization: A Conservative View of the American Heritage.”



the powerful instinct of self-preservation and willingly sacrifice themselves to preserve the society of which they are a part.

The relationship between society and government evokes the conservative principle of the **desirability of variety**, diversity, plurality, inequality. People differ from one another in various ways—ethnicity, sex, age, ability, class, wealth. If the results of any of these group differences should jeopardize the health of the entire body politic, government may legitimately intervene; but otherwise such diversity and inequality, as natural concomitants of the human condition, are either outside the province of government or entitled to its protection.

Another conservative principle is that of **prescription**: that there are rights and obligations which rest upon “immemorial usage, so that the memory of man runneth not to the contrary.” Over the course of time, we have acquired habits, conventions, and customs which are woven unconsciously into the very fabric of our being. Conservatives believe that, in the absence of strong evidence to the contrary, man tampers with these or replaces them with more “rational” substitutes at his mortal peril.

Indeed, conservatives apply the principle of **prudence** to all change. They recognize that not every ill of society can be cured and that an incautiously applied remedy can be worse than the disease. The need for prudence can be expressed in terms of the underlying law of ecology: you cannot change just one thing. To make any change, however rational, in an immensely diverse, intricate, and interconnected social organism is necessarily to make changes affecting other parts and the whole, often in entirely irrational and unforeseen ways. Prudence requires that one take into account, as far as possible, the long-range multiple consequences of any proposed action.

Finally, the prudent conservative recognizes that concrete situations may sometimes make principles **inconsistent**, internally or one with another. In such circumstances one makes choices from the available options on the basis of a priority of values, and, if possible, leaves open the door to change the course if it turns out to be wrong.

### Modernist Ideology Defined

Now let us turn to modernity. The concept is a slippery one whose meaning and connotations have moved about even more capriciously than those of most words, but I shall be using it in a quite specific way. Modernity, in the political sense, is a phenomenon that emerged in the eighteenth century largely as the ideological progeny of the seventeenth-century twist upon the old quarrel of the ancients and the moderns. Partisans of the ancients maintained that classical knowledge, arts, and sciences were superior in every way to those of the contemporary world; the seventeenth-century moderns contended that, since Descartes' mathematics was a science unknown to and demonstrably superior to that of classical times, modern man could and would surpass the ancients in all branches of human endeavor, for the new science could be made the measure of all things.

The eighteenth-century political extension of this modernist position was **rationalism**: the belief that prescriptive orders, being irrationally evolved, could and should be dismantled and replaced by rational orders that would produce universal human happiness. To put it differently, the essence of modernity is the embracing of dogmatic, scientific, secularized **millennialism**.

A good many intellectual strands went into the weaving of rationalism as a political ideology, including the ideas of some of the Levellers of the 1640s, Thomas Hobbes, and Descartes and various other French theorists, but the pivotal thinker was John Locke. Three of Locke's propositions, in the vulgarized form in which they circulated in the eighteenth century, are relevant to the subject at hand.

One was his epistemology, which postulated that man is born **tabula rasa**—a blank slate, with no inherent tendencies, either good or evil—but with infinite capacity for being molded in either direction.

The second is Locke's theory of **natural rights**, a perversion of the Western World's natural law tradition, which had emphasized the naturally (or divinely) imposed obligation to choose good over evil.

The third was Locke's theory of the **social contract**, which under certain circumstances justified the destruction and reconstruction of the civil order.

These ideas were popularized and carried to their logical extreme by various Frenchmen, notably La Mettrie—who, building on Locke's sensationalism to fashion a thesis that Locke himself had specifically rejected, published in 1749 a book whose conclusion was clear in its title, *Man a Machine*.

The road from La Mettrie to Robespierre—to the Reign of Terror and the guillotine—was straight and true. Though the goals of rationalist reformers were peace, brotherhood, and freedom, their efforts necessarily led to war, murder, and tyranny, and for a very powerful reason. Whatever the nature of the human animal may be, a part of that nature is to resist when someone else tries to make one over in accordance with what he “knows” is best for one. And, when men refuse to be made into angels and societies refuse to be made into heavenly cities, the rationalist must either give up the attempt or resort to totalitarian force. He feels justified in exerting that force because he serves the higher cause of Reason.

### Return to Eden?

There was, of course, almost none of this kind of rationalism in colonial America, but there was something else which, in its psychological substance, was closely akin to it. Independence did entail a commitment to liberty, but it also, as a concomitant of the way it came to pass, entailed a commitment to **republicanism**; and republicanism, in the form in which Americans had received it, was another phylum of the species Modernity.

To be sure, Americans derived their notions about republican principles of political theory partly from study of the classics and of writers of the Italian

Renaissance, and nothing in this literature led necessarily to making a dogmatic ideology out of republicanism. But there was a more immediate source of republican theory as well, one that was devoutly embraced by many in America. The intellectual genealogy of this position ran from the English Civil War—from the likes of James Harrington and Algernon Sidney—through Henry Neville to Charles Davenant, John Trenchard, and Thomas Gordon, to the Tory Oppositionists Henry St. John, First Viscount Bolingbroke, and from Bolingbroke to Montesquieu; and by the time Americans received it, it had hardened into a brittle ideology.

The principal articles of faith in the ideology included belief in the Anglo-Saxon myth (that England before the Norman Conquest had been Eden), a nostalgic yearning for the return of conditions imagined to have existed before the financial and ministerial revolutions engineered by Sir Robert Walpole, a strident hostility toward standing armies, the mystique of the soil, a rigid insistence upon the necessity of the separation of powers, and a belief that public virtue is the actuating principle of republics.

The checklist just recited contains much that is backward-looking, which may seem inconsistent with the concept of republican ideology as modernity. But the contradiction is only apparent, not real. Republican theory had been marked throughout its history by preoccupation with secular immortality, by a wild vacillation between profound pessimism—the conviction that republics have inherent flaws that inevitably make them fail in the long run—and a fervid hope that this time, at last, republicans will be able to correct the fatal flaws, establish the perfect commonwealth, and devise a republic that will survive eternally.

The parallel with millennialist theorizing is striking: millennialists likewise thought, “people have repeatedly failed to do so before, but now we know how to create the heavenly city on earth. Our predecessors in the endeavor are to be revered and emulated in most respects; only their errors are to be avoided. We shall achieve perfection by arranging a return to Eden.” In its essence, that attitude is no different from looking forward in time to a classless, stateless paradise. Utopia is Utopia, no matter which end of the telescope one views it from.

In the shared exhilaration of the moment of independence, republican ideologues and conservatives failed to recognize—indeed would have denied—that their positions were fundamentally different; but in fact they were more than different, they were irreconcilable.

The aim of conservatives was to protect liberty, both by limiting popular participation in government—they agreed with John Wesley’s dictum that “the greater the share the people have in government, the less liberty, civil or religious, does a nation enjoy”—and by insisting that there are large areas of human activity that are beyond the legitimate concern of government.

Underlying this position was the notion, ultimately Christian in origin, that government if limited was a

necessary and desirable check upon man’s ineradicable sinfulness, and another notion, worked out notably by Mandeville and Adam Smith, that a measure of individual corruption could lead to positive social good; the trick was to strike a subtle balance between the two.

All this was anathema to republican ideologues. Militant, conspiratorial, preoccupied with establishing a regime that would last forever, they were obsessed with a single goal, active participation by a virtuous and eternally vigilant public in the *res publica*, the public thing. And what was this public thing? Because of the inner logic of the ideology, it was everything. The vital force, the life’s blood, of a republic was public virtue; the fatal danger was the possibility of corruption. Anything, therefore, that was related to the inculcation in private individuals of either virtue or corruption was within the purview of public control. The republic made the virtuous individual, the virtuous individual made the republic. Inherently, then, republicanism was at least incipiently totalitarian.

### Early American Crossroads

After 1776 the United States might have gone either way, modernist or conservative: there was powerful support for both mindsets.

At first, in fact, the radical republican ideologues had the better of it. I say this not in reference to radical doctrines proclaimed in the Declaration of Independence, for, though that document can be read as Abraham Lincoln and Harry Jaffa have read it—as a ringing confirmation of natural rights ideology and the contract theory—it can quite as plausibly be read as a conservative reaffirmation of natural law principles, under which man has only such rights as are necessary to enable him to behave morally. Rather, I refer to the governmental arrangements established by the Articles of Confederation and the revolutionary state constitutions. For the most part, power was vested in unchecked state legislatures, participation in which was greatly expanded—though generally confined, Harrington style, to landowners—and there were in practice virtually no limits upon what those legislatures could do. Moreover, radical republicans dominated state governments most of the time during the decade after 1776, and while there was no Reign of Terror—there could not be; America had no Paris—many thousands of innocent people lost their liberty and property, and some their lives, at the hands of arbitrary governments.

Reaction against the excesses committed by the thirteen American republics was enough to make possible the calling of the Philadelphia Convention of 1787. Moreover, the convention was dominated by men firmly committed to strengthening national authority and checking that of the states. The consensus, however, was strained by a number of tensions, including those between small and large states, between states having claims to western lands and those lacking such claims, and between various forms of economic interests. Most importantly, for our purposes, there was a tension between conservatives and republican ideologues, even though they seemed to be—indeed



thought they were—in the same camp when the convention began.

Among the leading conservatives were Washington, Gouverneur and Robert Morris, John Rutledge, John Dickinson, Alexander Hamilton, Oliver Ellsworth, and Nathaniel Gorham. Among the leading republican ideologues were Edmund Randolph, George Mason, Elbridge Gerry, Luther Martin, James Wilson, and—yes—James Madison.

### Conservatives Prevail at Philadelphia

The conservatives recognized that their task was a delicate one. They knew that they must establish new and unfamiliar institutions, but they knew also that these must be formed from old and familiar materials. Nor were the materials promising. America lacked the kinds of institutions—monarchy, aristocracy, bishops, an established national church—which most Old World conservatives thought necessary to the preservation of the social order. Moreover, their customs, traditions, folkways, habits, and existing institutions were regional or local in orientation, not national. Even so, they rejected out of hand any notion of erecting the necessary new institutions upon abstract ideas and ideals.

The attitude of the ideologues was quite different. Convinced by recent experience that a national government was necessary, they had convinced themselves that it would be safe to create one. Most shared Wilson's position, that the keys would be to make each branch of the national government directly representative of the electorate and to erect walls of separation between the executive, legislative, and judicial powers. Most also believed that a bill of rights would be necessary, and some shared Mason's conviction that Congress should be empowered to pass sumptuary legislation—to police private morality in the interest of preserving public virtue.

Madison addressed the problem of virtue in a more complex way, proposing a two-part solution. The first part was the celebrated theory of *Federalist 10* that the traditional bane of republics—factions of designing men who put their own interests ahead of those of the public—would pose no problem in the new national government because the size and diversity of the country, together with the complexity of the system, would prevent any faction from gaining control of the whole.

The other part of the solution was more subtle and more important. Suffused throughout Madison's *Federalist* essays is the argument that the elaborate constitutional structure provided a series of filters that would sift out the undeserving, so that none but the most virtuous would reach the top. The curse that had proved fatal to all earlier republics, the loss of virtue, would be solved for all time. One would not need a virtuous public, one would need only some virtuous men—and every society had some virtuous men.

Conservatives were able to dominate the convention because the clash of interests and ideas necessitated numerous compromises, and they were temperamentally

adaptable to compromise whereas the ideologues were not.

As the Constitution turned out, it accomplished what the conservatives had set out to accomplish: it left intact the diverse social and political arrangements that had evolved and provided for additional institutions whose purpose was to check and channel local forces so they might flow harmoniously in the national interest.

The genius of the system was that the power of government, though great and emanating ultimately from the people, was divided rather than concentrated in any single representation of the people. Vertically, power was distributed among local, state, and national governments, the last itself being only "partly national, partly federal." Horizontally, power at the state level was subjected to certain restraints, particularly as regarded property rights; power at the national level was subjected to division among the branches and to checks, one branch on another. Temporally, the several branches of the national government were to be chosen variously for two, four, six years, and for life or good behavior, which meant that they would represent the will of the people, directly or indirectly, as expressed at different times.

### Jefferson and Hamilton Fall Out

The writing of the Constitution did not, of course, mean that the conservatives' triumph was a final one. Many republican ideologues, following the lead of Madison and Wilson, supported ratification; but as many, and perhaps more, joined state-oriented politicians in a desperate effort to prevent ratification, and having the inertia of the mass of voters on their side they came perilously close to succeeding. Soon afterward, ideologues of a different stripe, enthusiasts for the French Revolution, began to organize so-called Democratic Republican societies whose aim, if not to overthrow that Constitution, was something closely resembling that.

But the pivotal event in the regrouping of the republican ideologues was the decision in 1791 of Thomas Jefferson and James Madison to organize a political party to oppose and ultimately undo the policies of the Washington administration—and, into the bargain, to transform the Constitution into something it was not.

The chief architect of the Washington administration's policies, and the chief target of Jefferson's and Madison's efforts, was Alexander Hamilton. Hamilton's fiscal system, which breathed life into the Constitution, was an example of conservatism—of constructive, prudential change—at its best. As Secretary of the Treasury Hamilton was assigned the task of devising a way to manage the staggering burden of public Revolutionary War debts. He had several options. The debts could be repudiated in whole or in part, but that would be both imprudent and immoral. They could be paid promptly and in full, but given the nation's limited resources that was impossible. Instead, Hamilton followed the British example and proposed to "fund" the debts in such a way as to make them the basis for banking currency, and thus to use them as material building-

blocks for nationhood.

The essence of the Hamiltonian way was to make national authority dependent as little as possible upon coercion and as much as possible upon what economists call "the institutional structuring of market incentives." He would ensure the perdurance of the new national government by making commercial activity dependent upon the continued working of the system. The long-range consequences of the adoption of Hamilton's program were profound, for they included committing not only American conservatives but also the United States government to capitalism—which, for all the Framers' insistence upon the sanctity of property rights, had been left open by the Constitution.

It was not until the spring of 1791, after Hamilton's system had been enacted into law, that Jefferson and Madison reacted to it ideologically. The break turned on one celebrated dinner party at which Jefferson, Hamilton, and Adams discussed political philosophy. Adams said that, "purge the British constitution of its corruption, and give to its popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton's retort, echoing an essay by Hume, was, "purge it of its corruption, and give to its popular branch equality of representation, and it would become an impracticable government: as it stands at present, with all its supposed defects, it is the most perfect government which ever existed."

When Jefferson heard that, his revulsion and fear were immediate and total. Forthwith, he was convinced that Hamilton had been "bewitched and perverted by the British example" and had formed a "mercenary phalanx" of money men and speculators in a conspiracy to poison America, even as Hamilton's evil idol Walpole had poisoned England. That this was pure fantasy is beside the point: to Jefferson it was real. Thenceforth, he saw Hamilton's every word and deed, past and present, as confirmation of his evil designs.

Jefferson's "discovery" radically changed Madison's perception of the Constitution. Heretofore the polestar of his political theory had been nationalism. But now, in light of Hamilton's supposed perfidy, Madison's dream of a perfect commonwealth was shattered: the safeguards that were to have ensured the republic's immortality proved illusory.

Thenceforth, the central constitutional tenet in the faith of the Republicans—I shift to the capital R, for Jefferson and Madison promptly set out to recruit likeminded souls to form the Republican Party—became the doctrine of state sovereignty (not states' rights; which is essential to the equilibrium of the federal system, but state sovereignty).

Two aspects of this shift want special notice. First, it is not out of character for secular millennialists to make

180-degree turns. They can, and often do, undergo conversion experiences that lead them to embrace a diametrically opposed ideology. The only change they are incapable of making is to stop being ideologues.

Secondly, there was a tangible political ingredient involved in the shift. State sovereignty in Virginia meant Republican power under the leadership of Madison and Jefferson. This was not incompatible with republican ideology, it was complementary. Now that the scales had fallen from Madison's eyes he could see that the states must be sovereign, for only they were unencumbered by internal checks and restraints, and thus only in them was the public (read, "the gentry") at liberty to do its republican duty.

### Totalitarian Ideologues Then and Now

When the Republicans spoke in praise of liberty, that was the kind of liberty they had in mind; even as, when they praised limited government, they were referring only to the national government. In regard to the "real" American republics, the sovereign states, they were totalitarian ideologues. In the words of Fisher Ames, "They cry liberty, but they mean, as party leaders always do, power."

When the Republicans came to power in 1801 they set out to emasculate the national government, and for a time they were strikingly successful. They repealed much of the Federalists' legislation, set Hamilton's fiscal system in train toward extinction, virtually destroyed the government's capacity to enforce its laws, and (in a world aflame with war) reduced the army and navy to miniscule proportions. But they failed in their efforts to destroy the Supreme Court, of course, and soon the inner logic of their ideology led them first to a wholesale suppression of American liberty and then to a nearly disastrous war.

Jefferson's last fifteen months in office were a nightmare of repression: to carry out an experimental notion that belligerents in Europe could be subdued by peaceful means—the embargo—Jefferson found it necessary to wage war upon the American people. Three years later Madison blundered the nation into a war for which it was calamitously unprepared. Finally, having learned the hard way that a country cannot fight wars without a government, the Republicans reluctantly put the whole Federalist system back together again.

The regime of liberty was back in place, and the republican dogma itself withered away. Dogmatic secular millennialism—modernity—did not, alas, die with it. It erupted with the Jacksonians, the abolitionists, the populists, the Wilsonians, the New Dealers, the Great Society. It erupts anew in the plague of isms that infests our own times.

Throughout our history, conservatism has been the fountain of liberty in America and modernity has been liberty's veriest enemy.



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